



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Hamud, Fozia M.
)	
Kevin P. BAKER, et al.)	Art Unit: 1647
)	
Application Serial No. 10/006,063)	Confirmation No: 8559
)	
Filed: December 6, 2001)	Attorney's Docket No. 39780-2830 P1C3
)	
For: SECRETED AND)	Customer No. 35489
TRANSMEMBRANE)	
POLYPEPTIDES AND NUCLEIC)	
ACIDS ENCODING THE SAME)	

EXPRESS MAIL LABEL NO. : EV 765 973 319 US
DATE MAILED: JUNE 1, 2006

REQUEST FOR REOPENING OF PROSECUTION AND RESPONSE
UNDER 37 C.F.R. §1.111

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On November 29, 2004, the Examiner made a final rejection to pending Claims 28-36 and 38-40. A Notice of Appeal was filed on February 28, 2005, and Appellants' Appeal Brief was filed on July 27, 2005. A Notice of Non-Compliant Appeal Brief was mailed October 31, 2005, and a revised Appeal Brief was filed November 22, 2005.

An Examiner's Answer was mailed on April 3, 2006, which contains new grounds of rejection. Applicants were granted two months from the mailing date of the Examiner's Answer to request that the prosecution be reopened. In response, Applicants request that the prosecution be reopened under 37 C.F.R. §41.39. In addition, Applicants submit herein a Response under 37 C.F.R. §1.111. The Response and the Request are timely filed within the two-month period for response set by the Examiner's Answer.

This Response is concurrently filed with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis, with attached Exhibits A and B. Also filed herewith is an Information Disclosure Statement providing the article by Beer *et al.* Applicants respectfully

request that the information listed in the Information Disclosure Statement be considered by the Examiner and be made of record in the above-identified application.

Remarks/Arguments begin on page 3 of this paper.